

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CHANH SI DUONG and	:	LS0712032BAC
GI GI NAILS,	:	
	:	
RESPONDENTS.	:	
	:	

Division of Enforcement Case File Number: 04 BAC 030

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Chanh Si Duong
4859 South Forest Point Boulevard
New Berlin, Wisconsin 53151

Gi Gi Nails
3791 South 108th Street
Greenfield, Wisconsin 53228

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Barbering and Cosmetology Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Gi Gi Nails was duly licensed as a manicuring establishment in the state of Wisconsin (license #71-1983). That license was first granted on December 5, 2001, and expired on July 1, 2007. The last address reported to the Department of Regulation and Licensing (hereinafter Department) was 3791 South 108th Street, Greenfield, Wisconsin 53228. Gi Gi Nails was sold to a different owner on or about August 22, 2006.
2. Chanh Si Duong (Date of Birth of November 18, 1974) is duly licensed as a manicurist in the state of Wisconsin,

(license number 85-4590). This license was first granted on June 26, 2001, and is current through March 31, 2009. The last address Mr. Duong reported to the Department is 4659 South Forest Point Boulevard, New Berlin, Wisconsin 53151. Mr. Duong was also listed with the Department as the owner of Gi Gi Nails from December 5, 2001, through approximately August 22, 2006. As the owner of a licensed manicuring establishment, Mr. Duong was responsible for compliance with Wis. Stat. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.

3 On July 29, 2004, Departmental Investigator Willie Garrette inspected Gi Gi Nails. Investigator Garrette found an unidentified male providing manicuring services to customers. The unidentified male left the establishment by a back door before Investigator Garrette could interview him. Mr. Duong told Investigator Garrette during the inspection that the unidentified male was unlicensed.

4 In resolution of this matter, Chanh Si Duong and Gi Gi Nails consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. sec. 227.44(5).

3. By the conduct referred to in the above Findings of Fact, Chanh Si Duong and Gi Gi Nails have violated:

1. Wis. Stat. Sec. 454.04(1)(d). No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetologist license, manager license, temporary permit or training permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction.
2. Wis. Stat. sec. 454.15(2)(c). Engaged in conduct in the practice of barbering or cosmetology, aesthetics, electrology or manicuring which evidences a lack of knowledge or ability to apply professional principles or skills.
3. Wis. Stat. Sec. 454.15(2)(i). Violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
4. Wis. Admin. Code §. BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
5. Wis. Admin. Code § BC 2.04(2). Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.
6. Wis. Admin. Code § BC 2.06. The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4.
7. Wis. Admin. Code § BC 2.08(1)(b). Licensees holding current licenses or permits granted under ch. 454, Stats., shall:
 - (b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Chanh Si Duong and Gi Gi Nails shall jointly and severally pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND dollars (\$1,000.00).

IT IS FURTHER ORDERED that Chanh Si Duong and Gi Gi Nails shall jointly and severally pay full costs in the amount of FOUR HUNDRED dollars (\$400.00) in this matter.

Payment shall be made within 120 days of the effective date of this Order by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event Chanh Si Duong and Gi Gi Nails fails to timely submit any payment of the forfeiture and costs as set forth above, the manicurist license of Chanh Si Duong (license number 85-4590) **SHALL BE SUSPENDED**, without further notice or hearing, until Chanh Si Duong and Gi Gi Nails have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie Bush	12/3/07	
A member of the Board		Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

CHANH SI DUONG and
GI GI NAILS,

RESPONDENTS.

STIPULATION
LS #07 _____ BAC

Division of Enforcement Case File Number: 04 BAC 030

- It is hereby stipulated between Chanh Si Duong and Gi Gi Nails (hereafter “Respondents”), and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:
1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (04 BAC 030). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
 2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
 3. Respondents have been provided an opportunity to obtain legal counsel prior to signing this stipulation.
 4. Respondents agree to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (hereafter “Board”). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.
 5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
 6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Barbering and Cosmetology Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
 7. Respondents are informed that should the Board adopt this stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department policy.
 8. The Division of Enforcement joins Chanh Si Duong and Gi Gi Nails in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Chanh Si Duong

Respondent
4659 South Forest Point Boulevard
New Berlin, Wisconsin 53151
License Number: 85-4590

Date

Gi Gi Nails

Respondent
3791 South 108th Street
Greenfield, Wisconsin 53228
License Number: 71-1983

Date

Claudia Berry Miran

Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date